

Office of the Secretary
Federal Communications Commission
Attention: Disability Rights Office, Room 3-B431
9300 East Hampton Drive
Capitol Heights, MD 20743

Received & Inspected

JAN 12 2012

FCC Mail Room

Petition for Exemption from Closed Captioning Requirements

NorthStar Community, Inc.
C/O Bon Air Baptist Church
2531 Buford Road
Richmond, Va. 23235
(804) 814-6903
(804) 651-8768

Introduction

NorthStar Community's Vision is that all hurting people find their way back to God. Our mission is to provide a motivational, Christ-centered spiritual environment where troubled individuals and families can receive encouragement, education and support. NorthStar Community was founded in 1999 on the premise that people with "hurts, habits and hang-ups" are best assisted in a community environment that presents a consistent message of hope paired with practical educational resources to help them change some of the past beliefs and behaviors that have contributed to their current state of dysfunction. Saturday evenings and Sunday mornings this group holds meetings at Bon Air Baptist Church (2531 Buford Road, Richmond, Va. 23235), and two blocks from the church at Bon Air Elementary School in Chesterfield County (8701 Polk Street, Richmond, Va 23235). It provides a nurturing community for any who come, a safe and nonjudgmental environment to admit problems. All expenses incurred by these meetings are funded by donations from the general public it serves.

These services are recorded and edited for the television show that is also a part of this ministry. Every Sunday morning at 11:30am on WTVR-TV (CBS 6) this pre-recorded program entitled "Recovery Road - It's a God Thing" airs in the local Richmond and Central Virginia Market. The Nielson data on our program shows a viewership market share averaging 2.3%, ie 5,000 households per show. The program is 28.5 minutes in length. Consistent with our mission this educational teaching program is designed to inform the audience of new choices and new skills for dealing with life issues, and serves as a way to get information to the public about helpful resources available to them. This program was undertaken to get the message of hope out to hurting people who either cannot or will not travel to our meeting sites. Hurting people are often disadvantaged economically, may lack transportation or a driver's license, live isolated lives, or even attend other churches on Saturday evening or Sunday morning. The program enables people to view and hear the message in the privacy of their own home (many are shame filled and embarrassed to admit their troubles), and generally find it more convenient than traveling to the actual site. Our TV program is often the first point of contact that the team has with a hurting individual or family.

The Director of Operations and Media is a full-time employee of NorthStar Community, Inc. and primarily supervises the TV production efforts with the support of a team of trained volunteers. Seventy percent of the Director's time is allocated to the program's production. No income is received directly from the TV program (ie, no pledges are solicited by the program or received by phone during the program).

Sponsorship Note: NorthStar Community has not sought sponsorship for closed captioning as a result of two factors.

Factor 1: Since we were granted a permanent exemption from closed captioning in 2005 it was not on our radar to seek sponsorship.

Factor 2: With the possibility of losing our TV programming due to the pending FCC decision to require closed captioning we still feel hamstrung to seek sponsorship. Our spiritual recovery program is unique in many ways and makes sponsorship of any sort a difficult proposition. Religious audiences sometimes take exception toward our wholistic approach to addiction education (ex: our own Southern Baptist church of which the entire leadership team are members do not fund our program). It would be extremely controversial for a church to sponsor a show that acknowledges and educates others about the physiological components associated with addiction. The use of the word "Higher Power" in our literature is offensive to Christians. Conversely, the secular recovery community would take great exception to our use of the phrase "Christ-centered twelve steps" - a phrase we also use as an acknowledgement that our ministry leadership is Christ-centric, even though we as a community are all-embracing. In short, we're too Christian for straight up recovery, and too recovery focused for the Christians. We can't emphasize too strongly the sacrifices our community makes to fund this out of our own pocket, and the benefits our community is reaping as a result of a few people's sacrifice.

For reasons set forth below, NorthStar Community, Inc. hereby requests an 'economically burdensome' exemption from the closed captioning rules for their "Recovery Road – It's a God Thing" TV program, pursuant to 79.1(f) of the Commission's rules.

The Nature and Cost of the Closed Captions for the Programming

Don Cox, CBS 6 director of engineering and operations, states that "CBS 6 does not provide a closed captioning service for anyone outside of the internal CBS 6 local news programming". Therefore, NorthStar Community conducted a comparative search for closed captioning both locally and on the internet. A search of local community vendors finds the lowest priced local solution with Memories Videography here in Richmond, Virginia. Their price is \$300 per show, \$15,600 per year with a 5 day turnaround (**see attached quote - Exhibit A**).

An internet search for captioning finds the best value solution with Computer Prompting & Captioning Company (CPC) in Rockville, Maryland. Their price is \$325 per show, \$16,900 per year with a 5 day turnaround (**see attached quote - Exhibit B**).

The Impact on the Operation of the Program Provider

The total cost of producing programming for the 2011 season was \$ 900 per show and \$46,800 per year, which represents 70% of the Media and Operations Salary plus the various fixed costs of producing a weekly TV program. Additionally, each show costs \$1,425/week x 52

weeks = \$74,100 to air on TV (Local CBS 6). Our 2012 TV contract with WTVR CBS 6 remained the same as 2011 **(see attached Exhibit C)**.

This effort is funded entirely by donations from the general public that attend the weekly services at the church and elementary school. No income is received directly from the TV programs (ie, no pledges are solicited by the program or received by phone during the program).

Thus, the lowest priced closed captioning choice of \$300 per week, and \$15,600 per year would increase our production costs from \$ 900 per show to \$ 1,200 per show. This represents a 25% increase in our production costs. Again, no income is received directly from the TV program as this is a service to the public, and intentionally no solicitations are ever made by the program. As noted earlier, this would be an additional \$15,600 yearly expense. This 25% increase for closed captioning constitutes a significant production expense increase that would be economically burdensome on the mission and vision of NorthStar Community especially in light of showing a net loss in 2011.

The Financial Resources of the Program Provider

NorthStar Community, Inc. receives it's entire income from donations from the general public attending its' weekly services at the church and the elementary school. This source of income for the year 2011 as of 12/19/11 equals \$215,566.65 .

Our main expenses are employee salaries, book resources, TV program, prison ministry, hospitality, leadership training, service projects and community gifts to The Healing Place (a homeless shelter for alcohol and drug addicted men and women), and the ongoing prevention and education work with Chesterfield County Public Schools. Our 2011 expenses as of 12/19/11 equals \$266,583.33.

Thus, our net income for the year 2011 was a loss of (-\$51,016.68).

(See attached NSC, Inc. 2011 Financial Documentation - Exhibit D.)

Note of genuine concern: Closed captioning, in 2011, would have cost an additional \$15,600 causing a further net loss in 2011. Thus, the significant expense of closed captioning would have threatened to divert monies away from the ministries mentioned above, or cause the TV program to have been discontinued completely due to the large increase in costs. As noted above, WTVR-TV (CBS 6) does not offer closed captioning assistance.

The Type of Operations of the Program Provider

NorthStar Community, Inc. is a non-profit provider of TV programming **(see attached Exhibit E)**. It's vision is that all hurting people find their way back to God. It's mission is to provide a Christ-centered approach to recovery where troubled individuals and families in our community can receive encouragement, education and support in their recovery process. NorthStar Community, recognizes that there is a spiritual component missing in the lives of troubled people. Individuals and families plagued with addiction issues, financial struggles,

incarceration, abuse and other related issues benefit from spiritual guidance. Therefore, NorthStar Community uses a variety of methods to provide education and support to these individuals and their families. We utilize the internet with our website www.NorthStarCommunity.com, media with TV, support groups and classroom settings to teach life skills, problem solving, financial planning, anger management, all with a spiritual foundation.

Note TV's importance, impact and reach: In 2005, we discovered that our TV program was being viewed regularly and widespread in over 100 local jails and prisons. Inmates wanting to find their freedom from past addictions that in part had led them to prison. Thus, we began in November of 2005 a Prison Ministry where the inmates learn about the Christ-centered 12 Steps through a team of letter writers who send them one step booklet at a time guiding them through the recovery process and hopefully reducing recidivism in our community and state. In 2009, we began going into a local men's prison with face to face 12 Step meetings, and in 2010 we began going into a women's prison with face to face 12 Step meetings. This reaching out to help in the community is a direct result of our TV program, and widespread viewership in these jails and prisons continues today.

Other Factors

Our program only airs on WTVR TV (CBS 6), and otherwise meets the requirements of the local, non-news exemption (**see attached Exhibit F**). We petition that the local, non-news exemption to the close captioning rules also applies to NorthStar Community. As noted above, the program is produced and aired locally, and the messages of NorthStar Community are of primarily local public interest. The shows are not news, they do not have repeat value, and the electronic newsroom technique is not available. Notwithstanding the applicability of the exemption, we have filed this petition in an abundance of caution and for the purpose of establishing certainty.

NorthStar Community was notified on October 25, 2012 that the FCC had reversed the permanent closed captioning exemption we received from them in September 2006. We wish to continue receiving a closed captioning exemption and have filed a new petition to do so on January 5, 2012.

Conclusion

As shown by this Petition and its attachments, the Commission should grant a waiver of the closed captioning requirements in this case, because requiring closed captioning would be 'economically burdensome' to the ministry. The lowest cost vendor of captioning (\$15,600 per year) would be excessively high, and would have a significantly negative impact on NorthStar Community's operations. NorthStar Community's type of operations and financial resources are different in kind and magnitude from the mainstream provider. Because of the significant difficulty and expense of providing closed captions, a waiver under 79.1(f) is warranted. If more information is needed, please contact me at the address below.

(For supporting petition affidavit – see attached Exhibit G).

Respectfully submitted,
NorthStar Community, Inc.



By:

David Lyles
NorthStar Community Media & Operations Director
2531 Buford Road
Richmond, Va. 23235

(804) 814-6903
(804) 651-8768

Dated: 1-07-12

Exhibits attached:

Exhibit A – Memories Videography Closed Captioning Quote
Exhibit B – Computer Prompting & Captioning Company (CPC) Closed Captioning Quote
Exhibit C – WTVR-TV (CBS 6) Contract for the Year 2012
Exhibit D – Financial Documentation for the Year 2011 showing a year to date net income
(income minus expenses) which for 2011 was a net loss.
Exhibit E – NorthStar Community, Inc. Tax Exempt Status Form
Exhibit F – Schedule of all programming offered by NorthStar Community, Inc.
Exhibit G – Supporting Petition Affidavit



Closed Captioning Quote for NorthStar Community

30 minute show closed captioned,
returned to NorthStar Community
on a standard DVC-Pro tape that NorthStar Community would supply.

Typical turn around time is less than 1 week.

Cost \$300 per 30 minute show.



Computer Prompting & Captioning Co.



1010 Rockville Pike, Suite 306
Rockville, Maryland 20852-1419, USA
301-738-8487 • FAX 8488 • TTY 8489
info@cpcweb.com • www.cpcweb.com

DATE: 12/06/2011

PROPOSAL FOR CAPTIONING SERVICE

Fed ID#: 52-1911964

To: David Lyles

Qty	Items & Descriptions	Unit Price	Extended Price
1	5 Day Turnaround – 30m program setup and encoding	\$115	\$115
1	Transcription	\$60	\$60
1	Closed captioning	\$150	\$150
	TOTAL		\$325

This proposal is valid for 90 days.

For details about the software, check the link: <http://www.cpcweb.com/products>

Sole Source Declaration

We are the manufacturer and vendor of all CPC software and hardware. We do not have a dealer network, so there are no official vendors that sell CPC software or hardware.

Prepared by McLean Anderson
(301) 738-8487
mclean@cpcweb.com

For over 25 years, CPC has been meeting the closed captioning needs of thousands of organizations, both large and small. Our captioning software and services bring you the benefits of that long experience. Most importantly, with an unequalled history of captioning software breakthroughs, your CPC software will never become obsolete.



December 5, 2011

Teresa McBean
c/o Bon Air Baptist Church
2531 Buford Road
Richmond, VA 23235

Dear Teresa,

WTVR-TV (CBS 6) is excited to have NorthStar Community renew it's Sunday Morning programming. This letter outlines the agreement WTVR and NorthStar Community share in broadcasting the program and is consistent with our 2011 agreement:

CBS 6 agrees to:

- Air Northstar's "Road to Recovery" each Sunday during the contract period from 1130am-12PM starting January 1 through December 30, 2012.
- Promote the show through thirty second or fifteen second announcements in available time periods throughout the year. Minimum 120 messages over the agreement period.
- Provide weekly rating and share reports to as well as a monthly promotional commercial report.
- In the event of "breaking news," WTVR reserves the right to preempt Northstar's "Road to Recovery". If these circumstances occur, agreement would be extended for additional week(s). No change in dollar totals.

NorthStar Community agrees to:

- Deliver program "in full" to WTVR no later than the Thursday prior to broadcast air date.
- Pay WTVR \$1,425 per program. Total agreement amount: \$74,100

If, for any reason, either party wishes to cancel this agreement, they may do so with 90 days written notification.

Signed: Neil Malakoff Date: 12/20/11
Neil Malakoff, CBS 6

Signed: Teresa McBean Date: 12/20/11
Teresa McBean, NorthStar Community

* IF THE ROC TERMINATES IT'S CONTRACT, NORTHSTAR COMMUNITY WILL HAVE FIRST RIGHT OF REFUSAL FOR THEIR TIME PERIOD, SUNDAY 11-11:30am. M.M.



**Document attesting to the Net Income of NorthStar Community, Inc.
for the Year 2011 (as of 12/19/11).**

Current year income (as of 12/19/11) =	\$ 215,566.65
Current year expenses (as of 12/19/11) =	\$ 266,583.33
Net Income (Loss) for the year (as of 12/19/11) =	\$ (-51,016.68)

Dated 1-07-12

David Lyles
Media & Operations Director
NorthStar Community, Inc.
804-814-6903

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201



DEPARTMENT OF THE TREASURY

Date:

MAR 23 2007

NORTHSTAR COMMUNITY INC
C/O BON AIR BAPTIST CHURCH
2531 BUFORD RD
RICHMOND, VA 23235

DAVID LYLES
1-804-814-6903

Employer Identification Number:
20-4550036

DLN:

17053166004046

Contact Person:

JOSEPH LAUX

ID# 31077

Contact Telephone Number:

(877) 829-5500

Accounting Period Ending:

December 31

Public Charity Status:

170(b)(1)(A)(vi)

Form 990 Required:

Yes

Effective Date of Exemption:

April 29, 2005

Contribution Deductibility:

Yes

Advance Ruling Ending Date:

December 31, 2009

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. During your advance ruling period, you will be treated as a public charity. Your advance ruling period begins with the effective date of your exemption and ends with advance ruling ending date shown in the heading of the letter.

Shortly before the end of your advance ruling period, we will send you Form 8734, Support Schedule for Advance Ruling Period. You will have 90 days after the end of your advance ruling period to return the completed form. We will then notify you, in writing, about your public charity status.

Please see enclosed Information for Exempt Organizations Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

Letter 1045 (DO/CG)

NORTHSTAR COMMUNITY INC



Sincerely,

A handwritten signature in black ink, appearing to read "Lois G. Lerner".

Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements

Enclosures: Information for Organizations Exempt Under Section 501(c)(3)
Statute Extension

Letter 1045 (DO/CG)



Schedule of all programming offered by NorthStar Community, Inc.

1. The NorthStar Community, Inc. TV program "Recovery Road" airs 11:30am-Noon every Sunday on WTVR CBS-6.

Dated 1-07-12

David Lyles
NorthStar Community, Inc.
Media & Operations Director
804-814-6903



AFFIDAVIT

I, David Lyles, being first dully sworn, state the following to be true and correct to the best of my knowledge, information and belief:

1. I am the Media & Operations Director of NorthStar Community, Inc.
2. I have reviewed the Petition for Exemption for Closed Captioning Requirements filed on behalf of NorthStar Community, Inc.
3. I believe the statements regarding our organization and the NorthStar Community TV program "Recovery Road" to be true and accurate.

1-07-12
Date

David Lyles
David Lyles

COMMONWEALTH OF VIRGINIA,

CITY/COUNTY OF Charlottesville, to-wit:

Subscribed and sworn to before me the 7th day of January, 2012, by David Lyles.

My Commission Expires: 3/31/2014

W. Joseph Owen III
Notary Public

